

Appl. No. 09/772,572  
Amtdt. Dated September 22, 2003  
Reply to Office Action of June 18, 2003

Flag Reg for  
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11-14-03

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*Group  
Art Unit* 3761

Certificate Under 37 CFR 1.8(d)

*Attorney*  
Docket No.: 121027-041

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via facsimile transmission on the date indicated below.

*Applicant:* Takaaki SHIMADA et al.

99 October 31, 2003

**Invention:** PULL-ON DISPOSABLE DIAPER

*Serial No.:* 09772,572

— 1 —

*Filed:* January 30, 2001

*Examiner:* Catherine Anderson

**PETITION FOR REFUND OF FEE PAID BY MISTAKE**

To: Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

FAX RECEIVED

OCT 31 2003

PETITIONS OFFICE

Sir:

Pursuant to 35 U.S.C § 43(d), the Director may refund any fee paid by mistake or any amount paid in excess of that required.

On September 22, 2003, a Request for Continued Examination, Preliminary Amendment and Petition for One Month Extension of Time was filed with the U.S. Patent and Trademark Office via facsimile in the above-identified application.

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The one month extension of time was initially believed to be necessary because of the closing of the U.S. Patent and Trademark Office due to hurricane weather in the area on the due date of September 18, 2003.

Subsequent to requesting and paying the one month extension fee of \$110.00, the U.S. Patent and Trademark Office posted a notice September 23, 2003, indicating that "any action or fee due on Thursday, September 18, 2003, or Friday, September 19, 2003, will be considered timely for the purposes of 35 U.S.C. §§119., 120, 133 and 151, if the action is taken , or the fee is paid, on the next succeeding business day on which the USPTO was open, that is, Monday, September 22, 2003." (See attached).

Pursuant to the notice posted by the U.S. Patent and Trademark Office on September 23, 2003, and 35 U.S.C § 43(d), petitioner requests that the U.S. Patent and Trademark Office credit the \$110.00 one month extension of time fee previously paid in the above-identified application to Deposit Account No. 12-2136.

Respectfully submitted,

  
Michael S. Gzybowski

Reg. No. 32,816

BUTZEL LONG  
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Suite 300  
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**CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)**

Applicant(s): Takaaki SHIMADA, et al.

Docket No.

121027-0041

Serial No.  
09/772,572Filing Date  
January 30, 2001Examiner  
Catharine ANDERSONGroup Art Unit  
3761

Invention:

**PULL-ON DISPOSABLE DIAPER**

I hereby certify that this

**PETITION FOR REFUND OF FEE PAID BY MISTAKE**

(Identify type of correspondence)

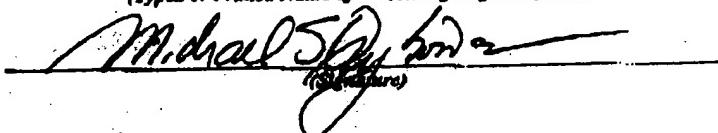
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-308-6916)

on October 31, 2003

(Date)

Michael S. Gzybowski

(Typed or Printed Name of Person Signing Certificate)



Note: Each paper must have its own certificate of mailing.

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## UNITED STATES PATENT AND TRADEMARK OFFICE



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### Closing of the United States Patent and Trademark Office on Thursday, September 18, 2003, and

Friday, September 19, 2003

**Office of Patent Legal Administration << Pre-OG Notices << Closing of the United States Patent and Trademark Office on Thursday, September 18, 2003, and Friday, September 19, 2003**

In view of the official closing of the Federal Government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), on Thursday, September 18, 2003, and Friday, September 19, 2003, the United States Patent and Trademark Office will consider Thursday, September 18, 2003, and Friday, September 19, 2003, a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21 and 37 C.F.R. §§ 1.6, 1.7, 1.9, 2.2(d), 2.195, and 2.196. Any action or fee due on Thursday, September 18, 2003, or Friday, September 19, 2003, will be considered as timely for the purposes of, e.g., 35 U.S.C. §§ 119, 120, 133 and 151, if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO was open; that is, Monday, September 22, 2003.

37 C.F.R. §§ 1.6(a)(2) and 2.195(a)(4) provide that correspondence deposited as Express Mail in accordance with 37 C.F.R. § 1.10 or 2.198 will be considered as filed on the date of deposit with the United States Postal Service (USPS). Thus, any paper or fee properly deposited in accordance with 37 C.F.R. § 1.10 or 2.198 with the Express Mail service of the USPS on Thursday, September 18, 2003, or Friday, September 19, 2003 (that is, as shown by a "date-in" of Thursday, September 18, 2003, or Friday, September 19, 2003, on the Express Mail mailing label) will be considered filed in the USPTO on its date of deposit in the Express Mail service of the USPS. 37 C.F.R. § 2.195(a)(2) provided that trademark-related correspondence transmitted electronically to the USPTO will be considered filed in the USPTO on the date the USPTO receives the electronic transmission. Thus, trademark-related correspondence transmitted electronically on Thursday, September 18, 2003, and/or Friday, September 19, 2003, will be considered filed in the USPTO on the date the USPTO received the electronic transmission. Correspondence successfully received by the USPTO through the patent Electronic Filing System will receive the date as indicated on the Acknowledgment Receipt.

Inquiries concerning this notice may be directed to Fred Silverberg by e-mail at fred.silverberg@uspto.gov or telephone at 703-305-8986.

Date: 09/23/2003

Signed: Nicholas Godici for

JAMES E. ROGAN

Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office

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